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February 18, 2025

VIA ECF

The Honorable John R. Tunheim
United States District Court
300 South Fourth Street
Minneapolis, MN 55415

Re: *NUWAY Alliance et al. v. Minnesota Department of Human Services Temporary
Commissioner Shireen Gandhi*, Case No. 0:25-cv-00492

Dear Judge Tunheim:

On behalf of Plaintiffs (“NUWAY”) in the above-captioned matter, I write to clarify an allegation in the Complaint filed on February 7, 2025 (ECF No. 1). Paragraph 28 of the Complaint alleges that NUWAY’s prior practice of calculating a billable “unit of time” for its claims to DHS was “consistent with the DHS-provided billing instructions at the time, which NUWAY relied upon.” Paragraph 28 goes on: “Recently, DHS changed its guidance. NUWAY immediately adapted its treatment schedule and billing practice to conform to DHS’s new position.”

Since the filing of the Complaint, we have received clarification that NUWAY’s group therapy schedule was immediately changed in light of the new guidance DHS published in September 2024. The schedules for NUWAY’s other services (individual therapy, holiday-week therapy, and “make-up” group therapy for absences) have been changing over the subsequent months to conform to DHS’s new position. NUWAY plans to file an amended complaint to reflect this clarification.

Sincerely,

s/ Manda M. Sertich

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cc: Scott H. Ikeda
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